Supreme Court, U.S.
FILED
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MICHAEL RODAK, JR., CLERK

No. 80-438

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

GENEVIEVE GRAYDON,

Petitioner,

v.

PASADENA REDEVELOPMENT AGENCY,

Respondent,

ERNEST W. HAHN, INC.

Real Party in Interest.

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

REPLY BRIEF

GENEVIEVE GRAYDON, in Propria Persona
99 South Raymond Avenue
Pasadena, California 91105
(213) 793-5429 Petitioner

LIST OF PARTIES

GENEVIEVE GRAYDON, individually and as representative of the taxpayers of the City of Pasadena,

Petitioner,

v.

THE PASADENA REDEVELOPMENT AGENCY, a public body corporate and politic; LOUIS SHEPARD, Executive Director of the Pasadena Redevelopment Agency;

Respondents,

ERNEST W. HAHN, INCORPORATED, a California Corporation,

Real Party in Interest.

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The entire BRIEF FOR RESPONDENT IN OPPOSITION comes under U. S. Supreme Court Rule 22.5:

Eugene B. Jacobs should not represent the Respondent Pasadena Redevelopment Agency. Petitioner believes he has a conflict of interest, having helped to create the redevelopment laws, while a California deputy attorney general. Also, he has an accountability problem as first signatory to the Opinion provided the Pasadena Redevelopment Agency (PRA) to contravene the competitive bidding law. (See LIST OF CORRECTIONS, 4, Petition, page 19, (P, p 19)). See serious breach in use of Kennedy v. Ross (P, p 21).

Questions Presented with Argument: 1. & A.: The 14th Amendment states: "... No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

..." This proscription is intrinsic in every law in every state. Citizens' right to petition under the First Amendment includes the right to "Petition for Writ of Mandamus and Declaratory Judgment and Injunction in Support Thereof" to enforce a state competitive bidding construction contract law to protect public funds. When one state law under California Code of Civil Procedure prevents enforcement of the competitive bidding law, thereby allowing an illegal construction contract, which is therefore null and void, to stand this abridges citizens' privilege to petition. Only the United States Supreme Court can determine which state law contravenes the 14th Amendment.

Further, in her pro per learning experience in Superior Court, Graydon v. Board of Directors, et al., NEC 17236, petitioner relied upon the 14th Amend-

ment. (See P,p 26).

2. & B.: Petitioner's petition for Writ of Certiorari was timely filed under Rule 20. 2. & 3. and Rule 33.7. It was docketed as of August 25, 1980, No. 80-438.

3. & C.: 1. Petition has reference to the official opinion of the California Court of Appeal, Second District. (See P,p. 24 & 67).

2. Nothing can be more concise than the 14th Amendment. The grounds are intrinsic in the State laws and when one law contravenes another only the Supreme Court can determine which law stands.

3. The entire petition sets forth as verbatim as the rules permit in space the intrinsic State statutory requirement to correct conflicting laws preventing citizens' right to protect public funds.

4. List of five corrections (P, 12-

26) is a list of facts. Petitioner's own statements are factual.

5. The Supreme Court has jurisdiction to enter the case to protect petitioner's right of petition, right of due process and equal protection of the laws, when the State through its courts denies the Supreme Court's right to determine conflict in its laws.

6. Under the space restrictions petitioner cannot amplify her reasons beyond the simple right of mandamus petition and exposure of errors against her.

7. Petitioner is not an attorney. She has done the best she could in presenting the reasons why the Supreme Court should enter the case.

Monell v. New York City Dept. of Social Services, 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018 (No. 75-1914), decided June 6, 1978, made the following decision:

"On certiorari, the United States Supreme Court reversed. In an opinion by Brennan, J., joined by Stewart, White, Marshall, Blackmun, and Powell, JJ., and joined in part (as to holdings 1 and 5 below) by Stevens, J., it was held (1) overruling Monroe v Pape as having been based on an erroneous interpretation of the legislative history pertaining to 42 USCS Section 1983, that local governments, municipal corporations, and school boards were 'persons' subject to liability under Section 1983, and thus were not wholly immune from Section 1983 suits; (2) that as 'persons' subject to liability under Section 1983, local governing bodies could be sued directly for monetary, declaratory, or injunctive relief where the action that was alleged to be unconstitutional implemented a policy statement, ordinance, regulation, or decision officially adopted by that body's officers, or where constitutional deprivations were visited pursuant to governmental 'custom,' even though such custom had not received formal approval through the body's decisionmaking channels; (3) that local government officials sued in their official capacities were 'persons' under Section 1983 in those cases in which a local government would be suable in its own name; ..."

This case reported in substance above can be applied to petitioner's rights.

Since the bonds totalling over $60,000,000 which paid for the PRA's parking are in default, it is understandable why it has not addressed the facts. If it did, it would have to explain itself out of Regus v. City of Baldwin Park, 70 C.A. 3d 968, 139 Cal.Rptr. 196 (1977).

The 60 day statute of limitations exists so that legal actions which can stop a project will be brought quickly. See Plunkett v. City of Lakewood, 44 C.A. 3d, 344, 116 Cal. Rptr. 885 (1975). The State Court here has done nothing more than sweep the federal questions of equal protection and due process under the rug. Petitioner did not attempt to stop the project -- just force competitive bidding required by law.

It is settled that a State Court may not avoid deciding federal questions and thus defeat the jurisdiction of the

Supreme Court by putting forward non-federal grounds of decision which are without any fair or substantial support. National Asso. for Advancement of Colored People v. Alabama (357 US 449, 455, 2 L ed 2d 1488, 1495, 78 S Ct 1163 (1958); Staub v. Baxley, 355 US 313, 318-320, 2 L ed 2d 302, 308-310, 78 S Ct 277 (1958); Ward v. Love Country, 253 US 17, 22, 64 L ed 751, 758, 40 S Ct 419. Thus, the independent state grounds relied upon for decision by the Court of Appeal of California are untenable and inadequate. The question of whether the Federal Constitution compels that the findings and judgment in the State Court must be reversed is properly before this Court. Obviously, the State Court did not choose to discuss the Constitutional questions.

The inapplicability of the PRA's arguments are also demonstrated in Curtis

Publishing Co. v. Butts, 388 U.S. 130, 142-143, 18 L.ed.2d. 1094, 875 S.Ct. 1975 (1967) where this Court states:

> "As our disposition of Rosenblatt v. Baer, 383 US 75, 15 L ed 2d 597, 86 S Ct 669 and other cases involving constitutional questions indicate, the mere failure to interpose such a defense prior to the announcement of a decision which might support it cannot prevent a litigant from later invoking such a ground. Of course it is equally clear that even constitutional objections may be waived by a failure to raise them at a proper time, Michel V. Louisiana, supra, 350 US at 99, 100 L ed at 92, but an effective waiver must, as was said in Johnson v. Zerbst, 304 US 458, 82 L.ed 1461, 1466, 58 S Ct 1019, 146 ALR 357, be one of a 'known right or privilege.'"

This Court has validated the right of public entities to take private property for private developers. It must now take the next step.

Due process and equal protection require that the public bodies and private developers be held accountable for the damages arising from their failure to

follow the law.

It is respectfully submitted that the Petition for Writ of Certiorari should be accepted.

Respectfully submitted,

Genevieve Graydon, in Propria Persona,

99 South Raymond Avenue

Pasadena, California 91105

Signed: Genevieve Graydon

Dated: October 22, 1980